

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	CIVIL NO. 18-mc-91015
v.	)	
	)	
AUSTIN WILKERSON,	)	
	)	
Defendant.	)	

**ASSENTED-TO MOTION FOR ENDS-OF-JUSTICE CONTINUANCE OF TIME FOR  
FILING AN INDICTMENT OR INFORMATION, AND EXCLUSION OF TIME,  
UNDER THE SPEEDY TRIAL ACT**

**COMES NOW**, the United States of America, by and through undersigned counsel, and respectfully moves this Court for an order granting a continuance of the time within which an indictment or information must be filed, and excluding the time period from January 19, 2018 through and including February 23, 2018, from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the ground that the ends of justice served by granting the requested continuance and excluding this period, outweigh the best interests of the public and the Defendant in a speedy trial. The government further asks this Court to issue the attached proposed Order of Continuance and Excludable Delay. In support of this request, the government states as follows:

1. On November 7, 2017, the Defendant had his initial appearance in the District of Massachusetts and was charged via criminal complaint styled *United States v. Austin Wilkerson*, Case No. 17-MJ-07219-JCB. The Defendant was released on conditions.

2. The parties engaged in discussions regarding a plea by information. On November 28, 2017, the Government sought a continuance until January 19, 2018 to file an indictment or information, which was granted.

3. The parties believe they have reached an agreement for the defendant to plea by information, but even with due diligence, combined with the December holidays, the recent blizzard, and counsel for the Government being on trial during the first week of January, the parties have been unable to finalize their discussions prior to the time within which an indictment or information must be filed. Thus, the government requests a 30-day extension of time within which an indictment or information must be filed in this case.

4. If the requested time is excluded, the United States will have until February 23, 2018, to return an indictment or file an information in this case.

5. Defendant's counsel has assented to this motion.

6. A proposed order is attached.

Respectfully submitted,

ANDREW E. LELLING  
United States Attorney

By: Nicholas Soivilien  
Nicholas Soivilien  
Assistant United States Attorney  
One Courthouse Way, Suite 9200  
Boston, MA 02210  
617-748-3100

Dated: January 18, 2018

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL NO. 18-mc-91015
	)	
AUSTIN WILKERSON,	)	
	)	
Defendant.	)	

**ORDER OF CONTINUANCE AND EXCLUDABLE DELAY**

Upon consideration of the Assented-To Motion seeking an order of continuance and excludable delay, the Court finds as follows:

1. The Defendant has been and charged by criminal complaint styled *United States v. Austin Wilkerson*, Case No. 17-MJ-07219-JCB. The parties have engaged in discussions regarding the case; however, even with due diligence, the parties expect to be unable to finalize their discussions prior to the time within which an indictment or information must be filed. As a result, the United States requests an extension of time to return an indictment or file an information. The requested exclusion of time represents an extension of the United States' time to file an indictment or information under the Speedy Trial Act.

2. Accordingly, the ends of justice served by granting the requested continuance and excluding the time period from January 19, 2018 through and including February 23, 2018, from the speedy trial clock, outweigh the best interests of the public and the Defendant in a speedy trial pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008).

Accordingly, the Court hereby grants the Assented-To Motion and **ORDERS** that, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases*, (1) the date on which an Indictment or Information must be filed is continued to February 23, 2018; and (2) the period from January 19, 2018 through and including February 23, 2018, is excluded from the speedy trial clock and from the time within which an indictment or information must be filed.

---

UNITED STATES DISTRICT JUDGE

Date:

**CERTIFICATE OF SERVICE**

I, Nicholas Soivilien, Assistant United States Attorney, hereby certify that this document filed will be sent via electronic mail and first class mail to counsel of record.

Dated: January 18, 2018

Nicholas Soivilien  
Nicholas Soivilien  
Assistant United States Attorney